

Michael E. Zeliger (SBN 271118)  
michael.zeliger@klgates.com  
Jackson Ho (SBN 270695)  
jackson.ho@klgates.com  
Ranjini Acharya (SBN 290877)  
ranjini.acharya@klgates.com  
K&L GATES LLP  
630 Hansen Way  
Palo Alto, CA 94304  
Telephone: 650.798.6700  
Facsimile: 650.798.6701

David A. Simons (*pro hac vice*)  
david.simons@klgates.com  
K&L GATES LLP  
One Lincoln Street  
Boston, MA 02111  
Telephone: 617.261.3100  
Facsimile: 617.261.3175

Attorneys for Defendants AUCTIVA  
CORPORATION and VENDIO SERVICES, INC.

*[Additional counsel listed on signature page]*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

AUCTION ACCELERATION CORP.,

Plaintiff,

v.

EBAY, INC., and AUCTIVA CORPORATION,

Defendants.

AUCTION ACCELERATION CORP.,

Plaintiff,

v.

EBAY, INC., and VENDIO SERVICES, INC.,

Defendants.

Case No. 5:14-CV-04045 EJD

Case No. 5:14-CV-04046 EJD

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO FURTHER CONTINUE CASE  
MANAGEMENT CONFERENCE  
PENDING SETTLEMENT**

Date: June 25, 2015

Time: 10:00 a.m.

Judge: Hon. Edward J. Davila

Courtroom: 4

Pursuant to Civ. L.R. 6-2, Plaintiff Auction Acceleration Corp. and Defendants eBay Inc., Auctiva Corporation, and Vendio Services, Inc. by and through their attorneys of record, enter into this Stipulation and Proposed Order to Continue the Case Management Conference currently set for Thursday, June 25, 2015 at 10:00 a.m. in Courtroom 4, on the 5th Floor of the above-captioned court, before the Honorable Judge Edward J. Davila.

Plaintiff and Defendants previously reached an agreement in principle to resolve all remaining issues in the case including Plaintiff's claims for damages, royalties, and costs claimed in the lawsuit against Defendants. Counsel for all parties have engaged in diligent efforts to reach a written settlement agreement that resolves all remaining disputes in this case, but the parties have not yet finalized the settlement agreement. Accordingly, Defendants and Plaintiff have stipulated to a short further continuance of the Case Management Conference by two weeks, to provide the parties additional time to seek to document and finalize the settlement agreement.

Defendant and Plaintiff request that the Court continue the Case Management Conference in this matter to July 9, 2015 at 10:00 a.m., with joint case management statements to be filed with the Court by July 2, 2015. In the event settlement is reached by the parties and dismissals are filed with the Court on or before July 9, 2015, the Case Management Conference will automatically be removed from the Court's calendar.

**IT IS SO STIPULATED.**

Dated: June 18, 2015

By: /s/ Michael E. Zeliger

Michael E. Zeliger  
David Simons  
Jackson Ho  
Ranjini Acharya

K&L GATES LLP

Attorneys for Defendants AUCTIVA  
CORPORATION and VENDIO SERVICES,  
Inc.

1 Dated: June 18, 2015

/s/ Jennifer S. Coleman

John V. Picone III, Bar No. 187226  
jpicone@hopkinscarley.com  
Jennifer S. Coleman, Bar No. 213210  
jcoleman@hopkinscarley.com  
Aleksandr Korzh, Bar No. 286613  
akorzh@hopkinscarley.com  
HOPKINS & CARLEY  
A Law Corporation  
The Letitia Building  
70 South First Street  
San Jose, CA 95113-2406

Telephone: (408) 286-9800  
Facsimile: (408) 998-4790  
Attorneys for Defendant EBAY INC.

10 Dated: June 18, 2015

/s/ Timothy Grochocinski

W. Paul Schuck, (SBN 203717)  
pschuck@bzbm.com  
Sony B. Barari, (SBN 243379)  
sbarari@bzbm.com  
BARTKO, ZAMKEL, BUNZEL & MILLER  
A Professional Law Corporation  
One Embarcadero Center, Suite 800  
San Francisco, California 94111  
Telephone: (415) 956-1900  
Facsimile: (415) 956-1152

Timothy E. Grochocinski (*pro hac vice*)  
teg@innovalaw.com  
Joseph P. Oldaker (*pro hac vice*)  
joldaker@innovalaw.com  
15020 S. Ravinia Ave. Suite 29  
Orland Park, Illinois 60462  
Telephone: (708) 675-1975  
Facsimile: (708) 675-1786

Attorneys for Plaintiff AUCTION  
ACCELERATION CORP.

23 **CERTIFICATION PURSUANT TO CIV. L.R. 5-1(i)(3)**

24 Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this  
25 document has been obtained from the signatories for whom a signature is indicated by a conformed  
26 signature (/s/). I have on file records to support this concurrence for production for the Court if so  
27 ordered.

28 Dated: June 18, 2015

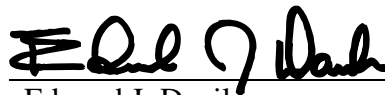
/s/ Ranjini Acharya

Ranjini Acharya

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

The Case Management Conference currently scheduled for June 25, 2015 is continued to July 9, 2015, at 10:00 a.m., with joint case management statements to be filed with the Court by July 2, 2015. In the event settlement is reached by the parties and dismissals are filed with the Court on or before July 9, 2015, the Case Management Conference will automatically be removed from the Court's calendar.

Date: 6/19/2015

By:   
Edward J. Davila  
United States District Judge